Cicero, Marcus Tullius. Orations

Orations in defence of Publius Sylla

and Aulus Licinius Archias;

tr. by C.D. Yonge

BELL'S CLASSICAL TRANSLATIONS

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C. D. YONGE, M.A

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IN DEFENCE OF PUBLIUS SYLLA AND AULUS LICINIUS ARCHIAS

LITERALLY TRANSLATED BY

PROF. C. D. YONGE, M.A.

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CICERO'S ORATIONS

FOR P. SYLLA AND A. L. ARCHIAS

THE ORATION OF M. T. CICERO IN DEFENCE OF PUBLIUS SYLLA

THE ARGUMENT.

Publius Sylla having been elected consul with Publius Autronius four years before, had been impeached for bribery, convicted, and deprived of his consulship. He had then been prosecuted by Torquatus. He was now impeached by the younger Torquatus, the son of his former prosecutor, as having been implicated in both of Catiline's conspiracies. (Autronius was accused also, and he also applied to Cicero to defend him, but Cicero, being convinced that he was guilty, not only refused to defend him, but appeared as a witness against him.) Torquatus's real motive appears to have been jealousy of the fame which Cicero had obtained in his consulship; and, in his speech for the prosecution, when he found that Cicero had undertaken Sylla's cause, he had attacked Cicero himself, and tried to bring him into unpopularity, calling him a king who assumed a power to save or to destroy just as he thought fit; and saying that he was the third foreign king that had reigned in Rome; Numa and Tarquin being the two former. Sylla was acquitted.

I. I SHOULD have been very glad, O judges, if Publius Sylla had been able formerly to retain the honour of the dignity to which he was appointed, and had been allowed, after the misfortune which befel him, to derive some reward from his moderation in adversity. But since his unfriendly fortune has brought it about that he has been damaged, even at a time of his greatest honour, by the unpopularity ensuing not only from the common envy which pursues ambitious men, but also by the singular hatred in which Autronius is held, and that even in this sad and deplorable wreck of his former fortunes, he has still some enemies whose hostility he is unable to appease by the punishment which has fallen upon him; although I am very greatly concerned at his distresses, yet in his other misfortunes I can easily endure that an opportunity should be offered to me of causing virtuous men to recognise my lenity and merciful disposition, which was formerly known to every one, but which has of late been interrupted as it

were; and of forcing wicked and profligate citizens, being again defeated and vanquished, to confess that, when the republic was in danger, I was energetic and fearless; now that it is saved, I am lenient and merciful. And since Lucius Torquatus, O judges, my own most intimate friend, O judges, has thought that, if he violated our friendship and intimacy somewhat in his speech for the prosecution, he could by that means detract a little from the authority of my defence, I will unite with my endeavours to ward off danger from my client, a defence of my own conduct in the discharge of my duty. Not that I would employ that sort of speech at present, O judges, if my own interest alone were concerned, for on many occasions and in many places I have had, and I often shall have, opportunities of speaking of my own credit. But as he, O judges, has thought that the more he could take away from my authority, the more also he would be diminishing my client's means of protection; I also think, that if I can induce you to approve of the principles of my conduct, and my wisdom in this discharge of my duty and in undertaking this defence, I shall also induce you to look favourably on the cause of Publius Sylla. And in the first place, O Torquatus, I ask you this, why you should separate me from the other illustrious and chief men of this city, in regard to this duty, and to the right of defending clients? For what is the reason why the act of Quintus Hortensius, a most illustrious man and a most accomplished citizen, is not blamed by you, and mine is blamed? For if a design of firing the city, and of extinguishing this empire, and of destroying this city, was entertained by Publius Sylla, ought not such projects to raise greater indignation and greater hatred against their authors in me than in Quintus Hortensius? Ought not my opinion to be more severe in such a matter, as to whom I should think fit to assist in these causes, whom to oppose, whom to defend, and whom to abandon? No doubt, says he, for it was you who investigated, you who laid open the whole conspiracy.

II. And when he says this, he does not perceive that the man who laid it open took care that all men should see that which had previously been hidden. Wherefore that conspiracy, if it was laid open by me, is now as evident in all its particulars to Hortensius as it is to me. And when you see that he, a man of such rank and authority, and virtue, and

wisdom, has not hesitated to defend this innocent Publius Sylla, I ask why the access to the cause which was open to Hortensius, ought to be closed against me? I ask this also,—if you think that I, who defend him, am to be blamed, what do you think of those excellent men and most illustrious citizens, by whose zeal and dignified presence you perceive that this trial is attended, by whom the cause of my client is honoured, by whom his innocence is upheld? For that is not the only method of defending a man's cause which consists in speaking for him. All who countenance him with their presence, who show anxiety in his behalf, who desire his safety, all, as far as their opportunities allow or their authority extends, are defending him. Ought I to be unwilling to appear on these benches on which I see these lights and ornaments of the republic, when it is only by my own numerous and great labours and dangers that I have mounted into their rank, and into this lofty position and dignity which I now enjoy? And that you may understand, O Torquatus, whom you are accusing, if you are offended that I, who have defended no one on inquiries of this sort, do not abandon Publius Sylla, remember also the other men, whom you see countenancing this man by their presence. You will see that their opinion and mine has been one and the same about this man's case, and about that of the others. Who of us stood by Varguntius? No one. Not even this Quintus Hortensius, the very man who had formerly been his only defender when prosecuted for corruption. For he did not think himself connected by any bond of duty with that man, when he, by the commission of such enormous wickedness, had broken asunder the ties of all duties whatever. Who of us countenanced Servius Sylla? who * * * ? who of us thought Marcus Læca or Caius Cornelius fit to be defended? who of all the men whom you see here gave the countenance of his presence to any one of those criminals? No one. Why was that? Because in other causes good men think that they ought not to refuse to defend even guilty men, if they are their own intimate personal friends; but, in this prosecution, there would not only be the fault of acting lightly, but there would be even some infection of wickedness which would taint one who defended that man whom he suspected of being involved in the guilt of planning the parricide of his country. What was the case of Autronius? did not his companions, did not his own

colleagues, did not his former friends, of whom he had at one time an ample number, did not all these men, who are the chief men in the republic, abandon him? Ay, and many of them even damaged him with their evidence. They made up their minds that it was an offence of such enormity, that they not only were bound to abstain from doing anything to conceal it, but that it was their duty to reveal it, and throw all the light that they were able upon it.

III. What reason is there then for your wondering, if you see me countenancing this cause in company with those men, whom you know that I also joined in discountenancing the other causes by absenting myself from them. Unless you wish me to be considered a man of eminent ferocity before all other men, a man savage, inhuman, and endowed with an extraordinary cruelty and barbarity of disposition. If this be the character which, on account of all my exploits, you wish now to fix upon my whole life, O Torquatus, you are greatly mistaken. Nature made me merciful, my country made me severe; but neither my country nor nature has ever required me to be cruel. Lastly, that same vehement and fierce character which at that time the occasion and the republic imposed upon me, my own inclination and nature itself has now relieved me of; for my country required severity for a short time, my nature requires clemency and lenity during my whole life. There is, therefore, no pretence for your separating me from so numerous a company of most honourable men. Duty is a plain thing, and the cause of all men is one and the same. You will have no reason to marvel hereafter, whenever you see me on the same side as you observe these men. For there is no side in the republic in which I have a peculiar and exclusive property. The time for acting did belong more peculiarly to me than to the others; but the cause of indignation, and fear, and danger was common to us all. Nor, indeed, could I have been at that time, as I was, the chief man in providing for the safety of the state, if others had been unwilling to be my companions. Wherefore, it is inevitable that that which, when I was consul, belonged to me especially above all other men, should, now that I am a private individual, belong to me in common with the rest. Nor do I say this for the sake of sharing my unpopularity with others, but rather with the object of allowing them to partake of my praises. I will give a share of my burden to no one;

but a share of my glory to all good men. "You gave evidence against Autronius," says he, "and you are defending Sylla." All this, O judges, has this object, to prove that, if I am an inconstant and fickle-minded man, my evidence ought not to be credited, and my defence ought not to carry any authority with it. But if there is found in me a proper consideration for the republic, a scrupulous regard to my duty and a constant desire to retain the good-will of virtuous men, then there is nothing which an accuser ought less to say than that Sylla is defended by me, but that Autronius was injured by my evidence against him. For I think that I not only carry with me zeal in defending causes, but also that my deliberate opinion has some weight; which, however, I will use with moderation, O judges, and I would not have used it at all if he had not compelled me.

IV. Two conspiracies are spoken of by you, O Torquatus; one, which is said to have been formed in the consulship of Lepidus and Volcatius, when your own father was consul elect; the other, that which broke out in my consulship. In each of these you say that Sylla was implicated. You know that I was not acquainted with the counsels of your father, a most brave man, and a most excellent consul. You know, as there was the greatest intimacy between you and me, that I knew nothing of what happened, or of what was said in those times; I imagine, because I had not yet become a thoroughly public character, because I had not yet arrived at the goal of honour which I proposed to myself, and because my ambition and my forensic labours separated me from all political deliberations. Who, then, was present at your counsels? All these men whom you see here, giving Sylla the countenance of their presence; and among the first was Quintus Hortensius—who, by reason of his honour and worth, and his admirable disposition towards the republic, and because of his exceeding intimacy with and excessive attachment to your father, was greatly moved by the thoughts of the common danger, and most especially by the personal peril of your father. Therefore, he was defended from the charge of being implicated in that conspiracy by that man who was present at and acquainted with all your deliberations, who was a partner in all your thoughts and in all your fears; and, elegant and argumentative as his speech in repelling this accusation was, it carried with it as much authority as it displayed

of ability. Of that conspiracy, therefore, which is said to have been formed against you, to have been reported to you, and to have been revealed by you, I was unable to say anything as a witness. For I not only found out nothing, but scarcely did any report or suspicion of that matter reach my ears. They who were your counsellors, who became acquainted with these things in your company,—they who were supposed to be themselves menaced with that danger, who gave no countenance to Autronius, who gave most important evidence against him,—are now defending Publius Sylla, are countenancing him by their presence here; now that he is in danger they declare that they were not deterred by the accusation of conspiracy from countenancing the others, but by the guilt of the men. But for the time of my consulship, and with respect to the charge of the greatest conspiracy, Sylla shall be defended by me. And this partition of the cause between Hortensius and me has not been made by chance, or at random, O judges, but, as we saw that we were employed as defenders of a man against those accusations in which we might have been witnesses, each of us thought that it would be best for him to undertake that part of the case, concerning which he himself had been able to acquire some knowledge, and to form some opinions with certainty.

V. And since you have listened attentively to Hortensius, while speaking on the charge respecting the former conspiracy, now, I beg you, listen to this first statement of mine respecting the conspiracy which was formed in my consulship.

When I was consul I heard many reports, I made many inquiries, I learnt a great many circumstances, concerning the extreme peril of the republic. No messenger, no information, no letters, no suspicion ever reached me at any time in the least affecting Sylla. Perhaps this assertion ought to have great weight, when coming from a man who, as consul, had investigated the plots laid against the republic with prudence, had revealed them with sincerity, had chastised them with magnanimity, and who says that he himself never heard a word against Publius Sylla, and never entertained a suspicion of him. But I do not as yet employ this assertion for the purpose of defending him; I rather use it with a view to clear myself, in order that Torquatus may cease to wonder that I, who would not appear by the side of Autronius, am now defending Sylla. For what was the cause of Autronius? and what is the cause of Sylla? The

former tried to disturb and get rid of a prosecution for bribery by raising in the first instance a sedition among gladiators and runaway slaves, and after that, as we all saw, by stoning people, and collecting a violent mob. Sylla, if his own modesty and worth could not avail him, sought no other assistance. The former, when he had been convicted, behaved in such a manner, not only in his secret designs and conversation, but in every look and in his whole countenance, as to appear an enemy to the most honourable orders in the state, hostile to every virtuous man, and a foe to his country. The latter considered himself so bowed down, so broken down by that misfortune, that he thought that none of his former dignity was left to him, except what he could retain by his present moderation. And in this conspiracy, what union was ever so close as that between Autronius and Catiline, between Autronius and Lentulus? What combination was there ever between any men for the most virtuous purposes, so intimate as his connexion with them for deeds of wickedness, lust and audacity?—what crime is there which Lentulus did not plot with Autronius?—what atrocity did Catiline ever commit without his assistance? while, in the meantime, Sylla not only abstained from seeking the concealment of night and solitude in their company, but he had never the very slightest intercourse with them, either in conversation or in casual meetings. The Allobroges, those who gave us the truest information on the most important matters, accused Autronius, and so did the letters of many men, and many private witnesses. All that time no one ever accused Sylla; no one ever mentioned his name. Lastly, after Catiline had been driven out, or allowed to depart out of the city, Autronius sent him arms, trumpets, bugles, scythes,[1] standards, legions. He who was left in the city, but expected out of it, though checked by the punishment of Lentulus, gave way at times to feelings of fear, but never to any right feelings or good sense. Sylla, on the other hand, was so quiet, that all that time he was at Naples, where it is not supposed that there were any men who were implicated in or suspected of this crime; and the place itself is one not so well calculated to excite the feelings of men in distress, as to console them.

VI. On account, therefore, of this great dissimilarity be-

[1] Some commentators propose *fasces* instead of *falces* here, and it would certainly make much better sense.

tween the men and the cases, I also behaved in a different manner to them both. For Autronius came to me, and he was constantly coming to me, with many tears, as a suppliant, to beg me to defend him, and he used to remind me that he had been my schoolfellow in my childhood, my friend in my youth, and my colleague in the quæstorship. He used to enumerate many services which I had done him, and some also which he had done me. By all which circumstances, O judges, I was so much swayed and influenced, that I banished from my recollection all the plots which he had laid against me myself; that I forgot that Caius Cornelius had been lately sent by him for the purpose of killing me in my own house, in the sight of my wife and children. And if he had formed these designs against me alone, such is my softness and lenity of disposition, that I should never have been able to resist his tears and entreaties; but when the thoughts of my country, of your dangers, of this city, of all those shrines and temples which we see around us, of the infant children, and matrons, and virgins of the city occurred to me, and when those hostile and fatal torches destined for the entire conflagration of the whole city, when the arms which had been collected, when the slaughter and blood of the citizens, when the ashes of my country began to present themselves to my eyes, and to excite my feelings by the recollection, then I resisted him, then I resisted not only that enemy of his country, that parricide himself, but I withstood also his relations the Marcelli, father and son, one of whom was regarded by me with the respect due to a parent, and the other with the affection which one feels towards a son. And I thought that I could not, without being guilty of the very greatest wickedness, defend in their companion the same crimes which I had chastised in the case of others, when I knew him to be guilty. And, on the same principle, I could not endure to see Publius Sylla coming to me as a suppliant, or these same Marcelli in tears at his danger; nor could I resist the entreaties of Marcus Messala, whom you see in court, a most intimate friend of my own. For, neither was his cause disagreeable to my natural disposition, nor had the man or the facts anything in them at variance with my feelings of clemency. His name had never been mentioned, there was no trace whatever of him in the conspiracy; no information had touched him, no suspicion had been breathed of him. I undertook his cause. O Torquatus; I undertook it, and I did so

willingly, in order that, while good men had always, as I hope, thought me virtuous and firm not even bad men might be able to call me cruel.

VII. This Torquatus then, O judges, says that he cannot endure my kingly power. What is the meaning of my kingly power, O Torquatus? I suppose you mean the power I exerted in my consulship; in which I did not command at all, but, on the contrary, I obeyed the conscript fathers, and all good men. In my discharge of that office, O judges, kingly power was not established by me, but put down. Will you say that then, when I had such absolute power and authority over all the military and civil affairs of the state, I was not a king, but that now, when I am only a private individual, I have the power of a king? Under what title? "Why, because," says he, "those against whom you gave evidence were convicted, and the man whom you defend hopes that he shall be acquitted." Here I make you this reply, as to what concerns my evidence: that if I gave false evidence, you also gave evidence against the same man; if my testimony was true, then I say, that persuading the judges to believe a true statement, which one has made on oath, is a very different thing from being a king. And of the hopes of my client, I only say, that Publius Sylla does not expect from me any exertion of my influence or interest, or, in short, anything except to defend him with good faith. "But unless you," says he, "had undertaken his cause he would never have resisted me, but would have fled without saying a word in his defence." Even if I were to grant to you that Quintus Hortensius, being a man of such wisdom as he is, and that all these men of high character, rely not on their own judgment but on mine; if I were to grant to you, what no one can believe, that these men would not have countenanced Publius Sylla if I had not done so too; still, which is the king, he whom men, though perfectly innocent, cannot resist, or he who does not abandon men in misfortune? But here too, though you had not the least occasion for it, you took a fancy to be witty, when you called me Tarquin, and Numa, and the third foreign king of Rome. I won't say any more about the word king; but I should like to know why you called me a foreigner. For, if I am such, then it is not so marvellous that I should be a king,—because, as you say yourself, foreigners have before now been kings at Rome,—as that a foreigner should be a consul at Rome. "This is what I

mean," says he, "that you come from a municipal town." I confess that I do, and I add, that I come from that municipal town from which salvation to this city and empire has more than once proceeded. But I should like exceedingly to know from you, how it is that those men who come from the municipal towns appear to you to be foreigners. For no one ever made that objection to that great man, Marcus Cato the elder, though he had many enemies, or to Titus Coruncanius, or to Marcus Curius, or even to that great hero of our own times, Caius Marius, through many men envied him. In truth, I am exceedingly delighted that I am a man of such a character that, when you were anxious to find fault with me, you could still find nothing to reproach me with which did not apply also to the greater part of the citizens.

VIII. But still, on account of your great friendship and intimacy, I think it well to remind you of this more than once—all men cannot be patricians. If you would know the truth, they do not all even wish to be so; nor do those of your own age think that you ought on that account to have precedence over them. And if we seem to you to be foreigners, we whose name and honours have now become familiar topics of conversation and panegyric throughout the city and among all men, how greatly must those competitors of yours seem to be foreigners, who now, having been picked out of all Italy, are contending with you for honour and for every dignity! And yet take care that you do not call one of these a foreigner, lest you should be overwhelmed by the votes of the foreigners. For if they once bring their activity and perseverance into action, believe me they will shake those arrogant expressions out of you, and they will frequently wake you from sleep, and will not endure to be surpassed by you in honours, unless they are also excelled by you in virtue. And if, O judges, it is fit for me and you to be considered foreigners by the rest of the patricians, still nothing ought to be said about this blot by Torquatus. For he himself is, on his mother's side, a citizen of a municipal town; a man of a most honourable and noble family, but still he comes from Asculum. Either let him, then, show that the Picentians alone are not foreigners, or else let him congratulate himself that I do not put my family before his. So do not for the future call me a foreigner, lest you meet with a sterner refutation; and do not call me a king, lest you be laughed at

Unless, indeed, it appears to be the conduct of a king to live in such a manner as not to be slave not only to any man, but not even to any passion; to despise all capricious desires; to covet neither gold nor silver, nor anything else; to form one's opinions in the senate with freedom; to consider the real interests of the people, rather than their inclinations; to yield to no one, to oppose many men. If you think that this is the conduct of a king, then I confess that I am a king If my power, if my sway, if, lastly, any arrogant or haughty expression of mine moves your indignation, then you should rather allege that, than stoop to raise odium against me by a name, and to employ mere abuse and insult.

IX. If, after having done so many services to the republic, I were to ask for myself no other reward from the senate and people of Rome beyond honourable ease, who is there who would not grant it to me? If I were to ask, that they would keep all honours, and commands, and provinces, and triumphs, and all the other insignia of eminent renown to themselves, and that they would allow me to enjoy the sight of the city which I had saved, and a tranquil and quiet mind?—What, however, if I do not ask this? what, if my former industry, my anxiety, my assistance, my labour, my vigilance is still at the service of my friends, and ready at the call of every one? If my friends never seek in vain for my zeal on their behalf in the forum, nor the republic in the senate house; if neither the holiday earned by my previous achievements, nor the excuse which my past honours or my present age might supply me with, is employed to save me from trouble; if my good-will, my industry, my house, my attention, and my ears are always open to all men; if I have not even any time left to recollect and think over those things which I have done for the safety of the whole body of citizens; shall this still be called kingly power, when no one can possibly be found who would act as my substitute in it? All suspicion of aiming at kingly power is very far removed from me. If you ask who they are who have endeavoured to assume kingly power in Rome, without unfolding the records of the public annals, you may find them among the images in your own house. I suppose it is my achievements which have unduly elated me, and have inspired me with I know not how much pride. Concerning which deeds of mine, illustrious and immortal as they are, O judges, I can say thus much—that I, who have saved this city, and

the lives of all the citizens, from the most extreme dangers, shall have gained quite reward enough, if no danger arises to myself out of the great service which I have done to all men.

In truth, I recollect in what state it is that I have done such great exploits, and in what city I am living. The forum is full of those men whom I, O judges, have taken off from your necks, but have not removed from my own. Unless you think that they were only a few men, who were able to attempt or to hope that they might be able to destroy so vast an empire. I was able to take away their firebrands, to wrest their torches from their hands, as I did; but their wicked and impious inclinations I could neither cure nor eradicate. Therefore I am not ignorant in what danger I am living among such a multitude of wicked men, since I see that I have undertaken singlehanded an eternal war against all wicked men.

X. But if, perchance, you envy that means of protection which I have, and if it seems to you to be of a kingly sort,—namely, the fact that all good men of all ranks and classes consider their safety as bound up with mine,—comfort yourself with the reflection that the dispositions of all wicked men are especially hostile to and furious against me alone; and they hate me, not only because I repressed their profligate attempts and impious madness, but still more because they think, that, as long as I am alive, they can attempt nothing more of the same sort. But why do I wonder if any wicked thing is said of me by wicked men, where Lucius Torquauts himself, after having in the first place laid such a foundation of virtue as he did in his youth, after having proposed to himself the hope of the most honourable dignity in the state, and, in the second place, being the son of Lucius Torquatus, a most intrepid consul, a most virtuous senator, and at all times a most admirable citizen, is sometimes run away with by impetuosity of language? For when he had spoken in a low voice of the wickedness of Publius Lentulus, and of the audacity of all the conspirators, so that only you, who approve of those things, could hear what he said, he spoke with a loud querulous voice of the execution of Publius Lentulus and of the prison; in which there was, first of all, this absurdity, that when he wished to gain your approval of the inconsiderate things which he had said, but did not wish those

men, who were standing around the tribunal, to hear them, he did not perceive that, while he was speaking so loudly those men whose favour he was seeking to gain could not hear him, without your hearing him too, who did not approve of what he was saying; and, in the second place, it is a great defect in an orator not to see what each cause requires. For nothing is so inconsistent as for a man who is accusing another of conspiracy, to appear to lament the punishment and death of conspirators; which is not, indeed, strange to any one, when it is done by that tribune of the people who appears to be the only man left to bewail those conspirators; for it is difficult to be silent when you are really grieved. But, if you do anything of that sort, I do greatly marvel at you, not only because you are such a young man as you are, but because you do it in the very cause in which you wish to appear as a punisher of conspiracy. However, what I find fault with most of all, is this: that you, with your abilities and your prudence, do not maintain the true interest of the republic, but believe, on the contrary, that those actions are not approved of by the Roman people, which, when I was consul, were done by all virtuous men, for the preservation of the common safety of all.

XI. Do you believe that any one of those men who are here present, into whose favour you were seeking to insinuate yourself against their will, was either so wicked as to wish all these things to be destroyed, or so miserable as to wish to perish himself, and to have nothing which he wished to preserve? Is there any one who blames the most illustrious man of your family and name, who deprived his own son[1] of life in order to strengthen his power over the rest of his army; and do you blame the republic, for destroying domestic enemies in order to avoid being herself destroyed by them? Take notice then, O Torquatus, to what extent I shirk the avowal of the actions of my consulship. I speak, and I always will speak, with my loudest voice, in order that all men may be able to hear me: be present all of you with your minds, ye who are present with your bodies, ye in whose numerous attendance I take great pleasure; give me your attention

[1] This refers to the story of Titus Manlius Torquatus, who, in the Latin war (A.U.C. 415), put his own son to death for leaving his ranks (in forgetfulness of a general order issued by his father the consul) to fight Geminius Metius, whom he slew. The story is told by Livy, lib. iii. c. 7

and all your ears, and listen to me while I speak of what he believes to be unpopular topics. I, as consul, when an army of abandoned citizens, got together by clandestine wickedness, had prepared a most cruel and miserable destruction for my country; when Catiline had been appointed to manage the fall and ruin of the republic in the camp, and when Lentulus was the leader among these very temples and houses around us; I, I say, by my labours, at the risk of my own life, by my prudence, without any tumult, without making any extraordinary levies, without arms, without an army, having arrested and executed five men, delivered the city from conflagration, the citizens from massacre, Italy from devastation, the republic from destruction. I, at the price of the punishment of five frantic and ruined men, ransomed the lives of all the citizens, the constitution of the whole world, this city, the home of all of us, the citadel of foreign kings and foreign nations, the light of all people, the abode of empire. Did you think that I would not say this in a court of justice when I was not on my oath, which I had said before now in a most numerous assembly when speaking[1] on oath?

XII. And I will say this further, O Torquatus, to prevent any wicked man from conceiving any sudden attachment to, or any sudden hopes of you; and, in order that every one may hear it, I will say it as loudly as I can:—Of all those things which I undertook and did during my consulship in defence of the common safety, that Lucius Torquatus, being my constant comrade in my consulship, and having been so also in my prætorship, was my defender, and assistant, and partner in my actions; being also the chief, and the leader, and the standard-bearer of the Roman youth; and his father, a man most devoted to his country, a man of the greatest courage, of the most consummate political wisdom, and of singular firmness, though he was sick, still was constantly present at all my actions; he never left my side: he, by his zeal and

[1] This refers to Cicero's conduct when resigning his consulship. Metellus, as has been said before, refused to allow him to make a speech to the people, because, as he said, he had put Roman citizens to death without a trial; on which Cicero, instead of making oath in the ordinary formula, that he had discharged his duty with fidelity, swore with a loud voice "that the republic and the city had been saved by his unassisted labour;" and all the Roman people cried out with one voice that that statement was true to its fullest extent. See Cic. in Pis. 3.

wisdom and authority was of the very greatest assistance to me, overcoming the infirmity of his body by the vigour of his mind. Do you not see now, how I deliver you from the danger of any sudden popularity among the wicked, and reconcile you to all good men? who love you, and cherish you, and who always will cherish you; nor, if perchance you for a while abandon me, will they on that account allow you to abandon them and the republic and your own dignity.

But now I return to the cause; and I call you, O judges, to bear witness to this;—that this necessity of speaking of myself was imposed on me by him. For if Torquatus had been content with accusing Sylla, I too at the present time should have done nothing beyond defending him who had been accused; but when he, in his whole speech, inveighed against me, and when, in the very beginning, as I said, he sought to deprive my defence of all authority, even if my indignation had not compelled me to speak, still the necessity of doing justice to my cause would have demanded this speech from me.

XIII. You say that Sylla was named by the Allobroges. Who denies it? but read the information, and see how he was named. They said that Lucius Cassius had said that, among other men, Autronius was favourable to their designs. I ask, did Cassius say that Sylla was? Never. They say that they themselves inquired of Cassius what Sylla's opinions were. Observe the diligence of the Gauls. They, knowing nothing of the life or character of the man, but only having heard that he and Autronius had met with one common disaster, asked whether his inclinations were the same? What then? Even if Cassius had made answer that Sylla was of the same opinion, and was favourable to their views, still it would not seem to me that that reply ought to be made matter of accusation against him. How so? Because, as it was his object to instigate the barbarians to war, it was no business of his to weaken their expectations, or to acquit those men of whom they did entertain some suspicions. But yet he did not reply, that Sylla was favourable to their designs. And, in truth, it would have been an absurdity, after he had named every one else of his own accord, to make no mention of Sylla till he was reminded of him and asked about him. Unless you think this probable, that Lucius Cassius had quite forgotten the name of Publius Sylla. Even if the high rank of the

man, and his unfortunate condition, and the relics of his ancient dignity, had not made him notorious, still the mention of Autronius must have recalled Sylla to his recollection. In truth, it is my opinion, that, when Cassius was enumerating the authority of the chief men of the conspiracy, for the purpose of exciting the minds of the Allobroges, as he knew that the foreign nations are especially moved by an illustrious name, he would not have named Autronius before Sylla, if he had been able to name Sylla at all. But no one can be induced to believe this,—that the Gauls, the moment that Autronius was named, should have thought, on account of the similarity of their misfortunes, that it was worth their while to make inquiries about Sylla, but that Cassius, if he really was implicated in this wickedness, should never have once recollected Sylla, even after he had named Autronius. However, what was the reply which Cassius made about Sylla? He said that he was not sure. "He does not acquit him," says Torquatus. I have said before, that, even if he had accused him, when he was interrogated in this manner, his reply ought not to have been made matter of accusation against Sylla. But I think that, in judicial proceedings and examinations, the thing to be inquired is, not whether any one is exculpated, but whether any one is inculpated. And in truth, when Cassius says that he does not know, is he seeking to exculpate Sylla, or proving clearly enough that he really does not know? He is unwilling to compromise him with the Gauls. Why so? That they may not mention him in their information? What? If he had supposed that there was any danger of their ever giving any information at all, would he have made that confession respecting himself? He did not know it. I suppose, O judges, Sylla was the only person about whom Cassius was kept in the dark. For he certainly was well informed about every one else; and it was thoroughly proved that a great deal of the conspiracy was hatched at his house. As he did not like to deny that Sylla made one of the conspirators, his object being to give the Gauls as much hope as possible, and as he did not venture to assert what was absolutely false, he said that he did not know. But this is quite evident, that as he, who knew the truth about every one, said that he did not know about Sylla, the same weight is due to this denial of his as if he had said that he did know that he had nothing to do with the conspiracy

For when it is perfectly certain that a man is acquainted with all the conspirators, his ignorance of any one ought to be considered an acquittal of him. But I am not asking now whether Cassius acquits Sylla; this is quite sufficient for me, that there is not one word to implicate Sylla in the whole information of the Allobroges.

XIV. Torquatus being cut off from this article of his accusation, again turns against me, and accuses me. He says that I have made an entry in the public registers of a different statement from that which was really made. O ye immortal gods! (for I will give you what belongs to you; nor can I attribute so much to my own ability, as to think that I was able, in that most turbulent tempest which was afflicting the republic, to manage, of my own power, so many and such important affairs,—affairs arising so unexpectedly, and of such various characters,) it was you, in truth, who then inflamed my mind with the desire of saving my country; it was you who turned me from all other thoughts to the one idea of preserving the republic; it was you who, amid all that darkness of error and ignorance, held a bright light before my mind! I saw this, O judges, that unless, while the recollection of the senate on the subject was still fresh, I bore evidence to the authority and to the particulars of this information by public records, hereafter some one, not Torquatus, nor any one like Torquatus, (for in that indeed I have been much deceived,) but some one who had lost his patrimony, some enemy of tranquillity, some foe to all good men, would say that the information given had been different; in order the more easily, when some gale of odium had been stirred up against all virtuous men, to be able, amid the misfortunes of the republic, to discover some harbour for his own broken vessel. Therefore, having introduced the informers into the senate, I appointed senators to take down every statement made by the informers, every question that was asked, and every answer that was given. And what men they were! Not only men of the greatest virtue and good faith, of which sort of men there are plenty in the senate, but men, also, who I knew from their memory, from their knowledge, from their habit and rapidity of writing, could most easily follow everything that was said. I selected Caius Cosconius, who was prætor at the time; Marcus Messala, who was at the time standing for the prætorship; Publius Nigidius, and Appius

Claudius. I believe that there is no one who thinks that these men were deficient either in the good faith or in the ability requisite to enable them to give an accurate report.

XV. What followed? What did I do next? As I knew that the information was by these means entered among the public documents, but yet that those records would be kept in the custody of private individuals, according to the customs of our ancestors, I did not conceal it; I did not keep it at my own house; but I caused it at once to be copied out by several clerks, and to be distributed everywhere, and published and made known to the Roman people. I distributed it all over Italy, I sent copies of it into every province; I wish no one to be ignorant of that information, by means of which safety was procured for all. And I took this precaution, though at so disturbed a time, and when all opportunities of acting were so sudden and so brief, at the suggestion of some divine providence, as I said before, and not of my own accord, or of my own wisdom; taking care, in the first instance, that no one should be able to recollect of the danger to the republic, or to any individual, only as much as he pleased; and in the second place, that no one should be able at any time to find fault with that information, or to accuse us of having given credit to it rashly; and lastly, that no one should ever put any questions to me, or seek to learn anything from my private journals, lest I might be accused of either forgetting or remembering too much, and lest any negligence of mine should be thought discreditable, or lest any eagerness on my part might seem cruel.

But still, O Torquatus, I ask you, as your enemy was mentioned in the information, and as a full senate and the memory of all men as to so recent an affair was a witness of that fact; as my clerks would have communicated the information to you, my intimate friend and companion, if you had wished for it, even before they had taken a copy of it; when you saw that there were any incorrectnesses in it, why were you silent, why did you permit them? Why did you not make a complaint to me or to some friend of mine? or why did you not at least, since you are so well inclined to inveigh against your friends, expostulate passionately and earnestly with me? Do you, when your voice was never once heard at the time, when, though the information was read, and copied out, and published, you kept silence then,—do

you, I say, now on a sudden dare to bring forward a statement of such importance? and to place yourself in such a position that, before you can convict me of having tampered with the information, you must confess that you are convicted yourself of the grossest negligence, on your own information laid against yourself?

XVI. Was the safety of any one of such consequence to me as to induce me to forget my own? or to make me contaminate the truth, which I had laid open. by any lie? Or do you suppose that I would assist any one by whom I thought that a cruel plot had been laid against the republic, and most especially against me the consul? But if I had been forgetful of my own severity and of my own virtue, was I so mad, as, when letters are things which have been devised for the sake of posterity, in order to be a protection against forgetfulness, to think that the fresh recollection of the whole senate could be beaten down by my journal? I have been bearing with you, O Torquatus, for a long time. I have been bearing with you; and sometimes I, of my own accord, call back and check my inclination, when it has been provoked to chastise your speech. I make some allowance for your violent temper, I have some indulgence for your youth, I yield somewhat to our own friendship, I have some regard to your father. But unless you put some restraint upon yourself, you will compel me to forget our friendship, in order to pay due regard to my own dignity. No one ever attempted to attach the slightest suspicion to me, that I did not defeat him; but I wish you to believe me in this;—those whom I think that I can defeat most easily, are not those whom I take the greatest pleasure in answering. Do you, since you are not at all ignorant of my ordinary way of speaking, forbear to abuse my lenity. Do not think that the stings of my eloquence are taken away, because they are sheathed. Do not think that that power has been entirely lost, because I show some consideration for, and indulgence towards you. In the first place, the excuses which I make to myself for your injurious conduct, your violent temper, your age, and our friendship, have much weight with me; and, in the next place, I do not yet consider you a person of sufficient power to make it worth my while to contend and argue with you. But if you were more capable through age and experience, I should pursue the conduct which is habitual to me when I have been pro-

voked; at present I will deal with you in such a way that I shall seem to have received an injury rather than to have requited one.

XVII. Nor, indeed, can I make out why you are angry with me. If it is because I am defending a man whom you are accusing, why should not I also be angry with you, for accusing a man whom I am defending? "I," say you, "am accusing my enemy." And I am defending my friend. "But you ought not to defend any one who is being tried for conspiracy." On the contrary, no one ought to be more prompt to defend a man of whom he has never suspected any ill, than he who has had many reasons for forming opinions about other men. "Why did you give evidence against others?" Because I was compelled. "Why were they convicted?" Because my evidence was believed. "It is behaving like a king to speak against whomsoever you please, and to defend whomsoever you please." Say, rather, that it is slavery not to be able to speak against any one you choose, and to defend any one you choose. And if you begin to consider whether it was more necessary for me to do this, or for you to do that, you will perceive that you could with more credit fix a limit to your enmities than I could to my humanity.

But when the greatest honours of your family were at stake, that is to say, the consulship of your father, that wise man your father was not angry with his most intimate friends for defending and praising Sylla. He was aware that this was a principle handed down to us from our ancestors, that we were not to be hindered by our friendship for any one, from warding off dangers from others. And yet that contest was far from resembling this trial. Then, if Publius Sylla could be put down, the consulship would be procured for your father, as it was procured; it was a contest of honour; you were crying out, that you were seeking to recover what had been taken from you, in order that, having been defeated in the Campus Martius, you might succeed in the forum. Then, those who were contending against you for Sylla's safety, your greatest friends, with whom you were not angry on that account, deprived you of the consulship, resisted your acquisition of honour; and yet they did so without any rupture of your mutual friendship, without violating any duty, according to ancient precedent and the established principles of every good man.

XVIII. But now what promotion of yours am I opposing? or what dignity of yours am I throwing obstacles in the way of? What is there which you can at present seek from this proceeding? Honour has been conferred on your father; the insignia of honour have descended to you. You, adorned with his spoils, come to tear the body of him whom you have slain; I am defending and protecting him who is lying prostrate and stripped of his arms. And on this you find fault with me, and are angry because I defend him. But I not only am not angry with you, but I do not even find fault with your proceeding. For I imagine that you have laid down a rule for yourself as to what you thought that you ought to do, and that you have appointed a very capable judge of your duty. "Oh, but the son of Caius Cornelius accuses him, and that ought to have the same weight as if his father had given information against him." O wise Cornelius,—the father, I mean, —who left all the reward which is usually given for information, but has got all the discredit which a confession can involve, through the accusation brought by his son! However, what is it that Cornelius gives information of by the mouth of that boy? If it is a part of the business which is unknown to me, but which has been communicated to Hortensius, let Hortensius reply. If, as you say, his statement concerns that crew of Autronius and Catiline, when they intended to commit a massacre in the Campus Martius, at the consular comitia, which were held by me; we saw Autronius that day in the Campus. And why do I say *we* saw? I myself saw him—(for you at that time, O judges, had no anxiety, no suspicions; I, protected by a firm guard of friends at that time, checked the forces and the endeavours of Catiline and Autronius). Is there, then, any one who says that Sylla at that time had any idea of coming into the Campus? And yet, if at that time he had united himself with Catiline in that society of wickedness, why did he leave him? why was not he with Autronius? why, when their cases were similar, are not similar proofs of criminality found? But since Cornelius himself even now hesitates about giving information against him, he, as you say, contents himself with filling up the outline of his son's information. What then does he say about that night, when, according to the orders of Catiline, he came into the Scythemakers'[1] street, to the house of Marcus Lecca, that night which followed the

[1] This was the name of a street.

sixth of November, in my consulship? that night which of all the moments of the conspiracy was the most terrible and the most miserable. Then the day in which Catiline should leave the city, then the terms on which the rest should remain behind, then the arrangement and division of the whole city, with regard to the conflagration and the massacre, was settled. Then your father, O Cornelius, as he afterwards confessed, begged for himself that especial employment of going the first thing in the morning to salute me as consul, in order that, having been admitted, according to my usual custom and to the privilege which his friendship with me gave him, he might slay me in my bed.

XIX. At this time, when the conspiracy was at its height; when Catiline was starting for the army, and Lentulus was being left in the city; when Cassius was being appointed to superintend the burning of the city, and Cethegus the massacre; when Autronius had the part allotted to him of occupying Italy; when, in short, everything was being arranged, and settled, and prepared; where, O Cornelius, was Sylla? Was he at Rome? No, he was very far away. Was he in those districts to which Catiline was betaking himself? He was still further from them. Was he in the Camertine, or Picenian, or Gallic district? lands which the disease, as it were, of that frenzy had infected most particularly. Nothing is further from the truth; for he was, as I have said already, at Naples. He was in that part of Italy which above all others was free from all suspicion of being implicated in that business. What then does he state in his information, or what does he allege,—I mean Cornelius, or you who bring these messages from him? He says that gladiators were bought, under pretence of some games to be exhibited by Faustus, for the purposes of slaughter and tumult.—Just so; —the gladiators are mentioned whom we know that he was bound to provide according to his father's will. "But he seized on a whole household of gladiators; and if he had left that alone, some other troop might have discharged the duty to which Faustus was bound." I wish this troop could satisfy not only the envy of parties unfavourable to him, but even the expectations of reasonable men. "He was in a desperate hurry, when the time for the exhibition was still far off." As if, in reality, the time for the exhibition was not drawing very near. This household of slaves

was got without Faustus having any idea of such a step; for he neither knew of it, nor wished it. But there are letters of Faustus's extant, in which he begs and prays Publius Sylla to buy gladiators, and to buy this very troop: and not only were such letters sent to Publius Sylla, but they were sent also to Lucius Cæsar, to Quintus Pompeius, and to Caius Memmius, by whose advice the whole business was managed. But Cornelius[1] was appointed to manage the troop. If in the respect of the purchase of this household of gladiators no suspicion attaches to the circumstances, it certainly can make no difference that he was appointed to manage them afterwards. But still, he in reality only discharged the servile duty of providing them with arms; but he never did superintend the men themselves; that duty was always discharged by Balbus, a freedman of Faustus.

XX. But Sittius was sent by him into further Spain, in order to excite sedition in that province. In the first place, O judges, Sittius departed, in the consulship of Lucius Julius and Caius Figulus, some time before this mad business of Catiline's, and before there was any suspicion of this conspiracy. In the second place, he did not go there for the first time, but he had already been there several years before, for the same purpose that he went now. And he went, not only with an object, but with a necessary object, having some important accounts to settle with the king of Mauritania. But then, after he was gone, as Sylla managed his affairs as his agent, he sold many of the most beautiful farms of Publius Sittius, and by this means paid his debts; so that the motive which drove the rest to this wickedness, the desire, namely, of retaining their possessions, did not exist in the case of Sittius, who had diminished his landed property to pay his debts. But now, how incredible, how absurd is the idea that a man who wished to make a massacre at Rome, and to burn down this city, should let his most intimate friend depart, should send him away into the most distant countries! Did he so in order the more easily to effect what he was endeavouring to do at Rome, if there were seditions in Spain?—"But these things were done independently, and had no connexion with one another." Is it possible, then, that he should have thought

[1] This Cornelius is not the Roman knight mentioned before; but some freedman of Publius Sylla.

it desirable, when engaged in such important affairs, in such novel, and dangerous, and seditious designs, to send away a man thoroughly attached to himself, his most intimate friend, one connected with himself by reciprocal good offices and by constant intercourse? It is not probable that he should send away, when in difficulty, and in the midst of troubles of his own raising, the man whom he had always kept with him in times of prosperity and tranquillity.

But is Sittius himself (for I must not desert the cause of my old friend and host) a man of such a character, or of such a family and such a school, as to allow us to believe that he wished to make war on the republic? Can we believe that he, whose father, when all our other neighbours and borderers revolted from us, behaved with singular duty and loyalty to our republic, should think it possible himself to undertake a nefarious war against his country? A man whose debts we see were contracted, not out of luxury, but from a desire to increase his property, which led him to involve himself in business; and who, though he owed debts at Rome, had very large debts owing to him in the provinces and in the confederate kingdoms; and when he was applying for them he would not allow his agents to be put in any difficulty by his absence, but preferred having all his property sold, and being stripped himself of a most beautiful patrimony, to allowing any delay to take place in satisfying his creditors. And of men of that sort I never, O judges, had any fear when I was in the middle of that tempest which afflicted the republic. The sort of men who were formidable and terrible, were those who clung to their property with such affection that you would say it was easier to tear their limbs from them than their lands; but Sittius never thought that there was such a relationship between him and his estates; and therefore he cleared himself, not only from all suspicion of such wickedness as theirs, but even from being talked about, not by arms, but at the expense of his patrimony.

XXI. But now, as to what he adds, that the inhabitants of Pompeii were excited by Sylla to join that conspiracy and that abominable wickedness, what sort of statement that is I am quite unable to understand. Do the people of Pompeii appear to have joined the conspiracy? Who has ever said so? or when was there the slightest suspicion of this fact? "He separated then," says he, "from the settlers, in order that when

he had excited dissensions and divisions within, he might be able to have the town and nation of Pompeii in his power." In the first place, every circumstance of the dissension between the natives of Pompeii and the settlers was referred to the patrons of the town, being a matter of long standing, and having been going on many years. In the second place, the matter was investigated by the patrons in such a way, that Sylla did not in any particular disagree with the opinions of the others. And lastly, the settlers themselves understand that the natives of Pompeii were not more defended by Sylla than they themselves were. And this, O judges, you may ascertain from the number of settlers, most honourable men, here present; who are here now, and are anxious and above all things desirous that the man, the patron, the defender, the guardian of that colony, (if they have not been able to see him in the safe enjoyment of every sort of good fortune and every honour,) may at all events, in the present misfortune by which he is attacked, be defended and preserved by your means. The natives of Pompeii are here also with equal eagerness, who are accused as well as he is by the prosecutors; men whose differences with the settlers about walks and about votes have not gone to such lengths as to make them differ also about their common safety. And even this virtue of Publius Sylla appears to me to be one which ought not to be passed over in silence;—that though that colony was originally settled by him, and though the fortune of the Roman people has separated the interests of the settlers from the fortunes of the native citizens of Pompeii, he is still so popular among, and so much beloved by both parties, that he seems not so much to have dispossessed the one party of their lands as to have settled both of them in that country.

XXII. "But the gladiators, and all those preparations for violence, were got together because of the motion of Cæcilius." And then he inveighed bitterly against Cæcilius, a most virtuous and most accomplished man, of whose virtue and constancy, O judges, I will only say thus much,—that he behaved in such a manner with respect to that motion which he brought forward, not for the purpose of doing away with, but only of relieving his brother's misfortune, that, though he wished to consult his brother's welfare, he was unwilling to oppose the interests of the republic; he proposed his law

under the impulse of brotherly affection, and he abandoned it because he was dissuaded from it by his brother's authority. And Sylla is accused by Lucius Cæcilius, in that business in which both of them deserve praise. In the first place Cæcilius, for having proposed a law by which he appeared to wish to rescind an unjust decision; and Sylla, who reproved him, and chose to abide by the decision. For the constitution of the republic derives its principal consistency from formal legal decisions. Nor do I think that any one ought to yield so much to his love for his brother as to think only of the welfare of his own relations, and to neglect the common safety of all. He did not touch the decision already given, but he took away the punishment for bribery which had been lately established by recent laws. And, therefore, by this motion he was seeking, not to rescind a decision, but to correct a defect in the law. When a man is complaining of a penalty, it is not the decision with which he is finding fault, but the law. For the conviction is the act of judges, and that is let stand; the penalty is the act of the law, and that may be lightened. Do not, therefore, alienate from your cause the inclinations of those orders of men which preside over the courts of justice with the greatest authority and dignity. No one has attempted to annul the decision which has been given; nothing of that sort has been proposed. What Cæcilius always thought while grieved at the calamity which had befallen his brother, was, that the power of the judges ought to be preserved unimpaired, but that the severity of the law required to be mitigated.

XXIII. But why need I say more on this topic? I might speak perhaps, and I would speak willingly and gladly, if affection and fraternal love had impelled Lucius Cæcilius a little beyond the limits which regular and strict duty requires of a man; I would appeal to your feelings, I would invoke the affection which every one feels for his own relations; I would solicit pardon for the error of Lucius Cæcilius, from your own inmost thoughts and from the common humanity of all men. The law was proposed only a few days; it was never begun to be put in train to be carried; it was laid on the table in the senate. On the first of January, when we had summoned the senate to meet in the Capitol, nothing took precedence of it; and Quintus Metellus the prætor said, that what he was saying was by the command of Sylla; that Sylla did

not wish such a motion to be brought forward respecting his case. From that time forward Cæcilius applied himself to many measures for the advantage of the republic; he declared that he by his intercession would stop the agrarian law, which was in every part of it denounced and defeated by me. He resisted infamous attempts at corruption; he never threw any obstacles in the way of the authority of the senate. He behaved himself in his tribuneship in such a manner, that, laying aside all regard for his own domestic concerns, he thought of nothing for the future but the welfare of the republic. And even in regard to this very motion, who was there of us who had any fears of Sylla or Cæcilius attempting to carry any point by violence? Did not all the alarm that existed at that time, all the fear and expectation of sedition, arise from the villany of Autronius? It was his expressions and his threats which were bruited abroad · it was the sight of him. the multitudes that thronged to him, the crowd that escorted him, and the bands of his abandoned followers, that caused all the fear of sedition which agitated us. Therefore, Publius Sylla, as this most odious man was then his comrade and partner, not only in honour but also in misfortune, was compelled to lose his own good fortune, and to remain under a cloud without any remedy or alleviation.

XXIV. At this point you are constantly reading passages from my letter, which I sent to Cnæus Pompeius about my own achievements, and about the general state of the republic; and out of it you seek to extract some charge against Publius Sylla. And because I wrote that an attempt of incredible madness, conceived two years before, had broken out in my consulship, you say that I, by this expression, have proved that Sylla was in the former conspiracy. I suppose I think that Cnæus Piso, and Catiline, and Vargunteius were not able to do any wicked or audacious act by themselves, without the aid of Publius Sylla! But even if any one had had a doubt on that subject before, would he have thought (as you accuse him of having done) of descending, after the murder of your father, who was then consul, into the Campus on the first of January with the lictors? This suspicion, in fact, you removed yourself, when you said that he had prepared an armed band and cherished violent designs against your father, in order to make Catiline consul. And if I grant you this, then you must grant to me that Sylla, when he was voting for Catiline, had

no thoughts of recovering by violence his own consulship, which he had lost by a judicial decision. For his character is not one, O judges, which is at all liable to the imputation of such enormous, of such atrocious crimes.

For I will now proceed, after I have refuted all the charges against him, by an arrangement contrary to that which is usually adopted, to speak of the general course of life and habits of my client. In truth, at the beginning I was eager to encounter the greatness of the accusation, to satisfy the expectations of men, and to say something also of myself, since I too had been accused. But now I must call you back to that point to which the cause itself, even if I said nothing, would compel you to direct all your attention.

XXV. In every case, O judges, which is of more serious importance than usual, we must judge a good deal as to what every one has wished, or intended, or done, not from the counts of the indictment, but from the habits of the person who is accused. For no one of us can have his character modelled in a moment, nor can any one's course of life be altered, or his natural disposition changed on a sudden. Survey for a moment in your mind's eye, O judges, (to say nothing of other instances,) these very men who were implicated in this wickedness. Catiline conspired against the republic. Whose ears were ever unwilling to believe in this attempt on the part of a man who had spent his whole life from his boyhood upwards, not only in intemperance and debauchery, but who had devoted all his energies and all his zeal to every sort of enormity, and lust, and bloodshed? Who marvelled that that man died fighting against his country, whom all men had always thought born for civil war? Who is there that recollects the way in which Lentulus was a partner of informers, or the insanity of his caprices, or his perverse and impious superstition, who can wonder that he cherished either wicked designs, or insane hopes? Who ever thinks of Caius Cethegus and his expedition into Spain, and the wound inflicted on Quintus Metellus Pius, without seeing that a prison was built on purpose to be the scene of his punishment? I say nothing of the rest, that there may be some end to my instances. I only ask you, silently to recollect all those men who are proved to have been in this conspiracy. You will see that every one of those men was convicted by his own manner of life, before he was condemned by our suspicion.

And as for Autronius himself, (since his name is the most nearly connected with the danger in which my client is, and with the accusation which is brought against him,) did not the manner in which he had spent all his early life convict him? He had always been audacious, violent, profligate. We know that in defending himself in charges of adultery, he was accustomed to use not only the most infamous language, but even his fists and his feet. We know that he had been accustomed to drive men from their estates, to murder his neighbours, to plunder the temples of the allies, to disturb the courts of justice by violence and arms; in prosperity to despise every body, in adversity to fight against all good men; never to regard the interests of the republic, and not to yield even to fortune herself. Even if he were not convicted by the most irresistible evidence, still his own habits and his past life would convict him.

XXVI. Come now, compare with those men the life of Publius Sylla, well known as it is to you and to all the Roman people; and place it, O judges, as it were before your eyes. Has there ever been any act or exploit of his which has seemed to any one, I will not say audacious, but even rather inconsiderate? Do I say any act? Has any word ever fallen from his lips by which any one could be offended? Ay, even in that terrible and disorderly victory of Lucius Sylla, who was found more gentle or more merciful than Publius Sylla? How many men's wives did he not save by begging them of Lucius Sylla! How many men are there of the highest rank and of the greatest accomplishments, both of our order and of the equestrian body, for whose safety he laid himself under obligations to Lucius Sylla! whom I might name, for they have no objection; indeed they are here to countenance him now, with the most grateful feelings towards him. But, because that service is a greater one than one citizen ought to be able to do to another, I entreat of you to impute to the times the fact of his having such power, but to give him himself the credit due to his having exerted it in such a manner. Why need I speak of the other virtues of his life? of his dignity? of his liberality? of his moderation in his own private affairs? of his splendour on public occasions? For, though in these points he has been crippled by fortune, yet the good foundations laid by nature are visible. What a house was his! what crowds frequented it daily! How great was the dignity of his behaviour

to his friends! How great was their attachment to him! What a multitude of friends had he of every order of the people! These things, which had been built up by long time and much labour, one single hour deprived him of. Publius Sylla, O judges, received a terrible and a mortal wound; but still it was an injury of such a sort as his way of life and his natural disposition might seem liable to be exposed to. He was judged to have too great a desire for honour and dignity. If no one else was supposed to have such desires in standing for the consulship, then he was judged to be more covetous than the rest. But if this desire for the consulship has existed in some other men also, then, perhaps, fortune was a little more unfavourable to him than to others. But, after this misfortune, who ever saw Publius Sylla otherwise than grieving, dejected, and out of spirits? Who ever suspected that he was avoiding the sight of men and the light of day, out of hatred, and not rather out of shame? For, though he had many temptations to frequent this city and the forum, by reason of the great attachment of his friends to him,—the only consolation which remained to him in his misfortunes,—still he kept out of your sight; and though he might have remained here, as far as the law went, he almost condemned himself to banishment.

XXVII. In such modest conduct as this, O judges, and in such a life as this, will you believe that there was any room left for such enormous wickedness? Look at the man himself; behold his countenance. Compare the accusation with his course of life. Compare his life, which has been laid open before you from his birth up to this day, with this accusation. I say nothing of the republic, to which Sylla has always been most devoted. Did he wish these friends of his, being such men as they are, so attached to him, by whom his prosperity had been formerly adorned, by whom his adversity is now comforted and relieved, to perish miserably, in order that he himself might be at liberty to pass a most miserable and infamous existence in company with Lentulus, and Catiline, and Cethegus, with no other prospect for the future but a disgraceful death? That suspicion is not consistent,—it is, I say, utterly at variance with such habits, with such modesty, with such a life as his, with the man himself. That sprang up, a perfectly unexampled sort of barbarity; it was an incredible and amazing insanity. The foulness of that unheard-of

wickedness broke out on a sudden, taking its rise from the countless vices of profligate men accumulated ever since their youth.

Think not, O judges, that that violence and that attempt was the work of human beings; for no nation ever was so barbarous or so savage, as to have (I will not say so many, but even) one implacable enemy to his country. They were some savage and ferocious beasts, born of monsters, and clothed in human form. Look again and again, O judges; for there is nothing too violent to be said in such a cause as this. Look deeply and thoroughly into the minds of Catiline, Autronius, Cethegus, Lentulus, and the rest. What lusts you will find in these men, what crimes, what baseness, what audacity, what incredible insanity, what marks of wickedness, what traces of parricide, what heaps of enormous guilt! Out of the great diseases of the republic, diseases of long standing, which had been given over as hopeless, suddenly that violence broke out; in such a way, that when it was put down and got rid of, the state might again be able to become convalescent and to be cured; for there is no one who thinks that if those pests remained in the republic, the constitution could continue to exist any longer. Therefore they were some Furies who urged them on, not to complete their wickedness, but to atone to the republic for their guilt by their punishment.

XXVIII. Will you then, O judges, now turn back Publius Sylla into this band of rascals, out of that band of honourable men who are living and have lived as his associates? Will you transfer him from this body of citizens, and from the familiar dignity in which he lives with them, to the party of impious men, to that crew and company of parricides? What then will become of that most impregnable defence of modesty? in what respect will the purity of our past lives be of any use to us? For what time is the reward of the character which a man has gained to be reserved, if it is to desert him at his utmost need, and when he is engaged in a contest in which all his fortunes are at stake—if it is not to stand by him and help him at such a crisis as this? Our prosecutor threatens us with the examinations and torture of our slaves; and though we do not suspect that any danger can arise to us from them, yet pain reigns in those tortures; much depends on the nature of every one's mind, and the fortitude of a person's body. The inquisitor manages everything; caprice

regulates much, hope corrupts them, fear disables them, so that, in the straits in which they are placed, there is but little room left for truth.

Is the life of Publius Sylla, then, to be put to the torture? is it to be examined to see what lust is concealed beneath it? whether any crime is lurking under it, or any cruelty, or any audacity? There will be no mistake in our cause, O judges, no obscurity, if the voice of his whole life, which ought to be of the very greatest weight, is listened to by you. In this cause we fear no witness; we feel sure that no one knows, or has ever seen, or has ever heard anything against us. But still, if the consideration of the fortune of Publius Sylla has no effect on you, O judges, let a regard for your own fortune weigh with you. For this is of the greatest importance to you who have lived in the greatest elegance and safety, that the causes of honourable men should not be judged of according to the caprice, or enmity, or worthlessness of the witnesses; but that in important investigations and sudden dangers, the life of every man should be the most credible witness. And do not you, O judges, abandon and expose it, stripped of its arms, and defenceless, to envy and suspicion Fortify the common citadel of all good men, block up the ways of escape resorted to by the wicked. Let that witness be of the greatest weight in procuring either safety or punishment for a man, which is the only one that, from its own intrinsic nature, can with ease be thoroughly examined, and which cannot be suddenly altered and remodelled.

XXIX. What? Shall this authority, (for I must continually speak of that, though I will speak of it with timidity and moderation,)—shall, I say, this authority of mine, when I have kept aloof from the cause of every one else accused of this conspiracy, and have defended Sylla alone, be of no service to my client? This is perhaps a bold thing to say, O judges; a bold thing, if we are asking for anything; a bold thing, if, when every one else is silent about us, we will not be silent ourselves. But if we are attacked, if we are accused, if we are sought to be rendered unpopular, then surely, O judges, you will allow us to retain our liberty, even if we cannot quite retain all our dignity. All the men of consular rank are accused at one swoop; so that the name of the most honourable office in the state appears now to carry with it more unpopularity than dignity. "They stood by Catiline,"

says he, "and praised him." At that time there was no conspiracy known of or discovered. They were defending a friend. They were giving their suppliant the countenance of their presence. They did not think the moment of his most imminent danger a fit time to reproach him with the infamy of his life. Moreover, even your own father, O Torquatus, when consul, was the advocate of Catiline when he was prosecuted on a charge of extortion: he knew he was a bad man, but he was a suppliant; perhaps he was an audacious man, but he had once been his friend. And, as he stood by him after information of that first conspiracy had been laid before him, he showed that he had heard something about him, but that he had not believed it. "But he did not countenance him by his presence at the other trial, when the rest did." If he himself had afterwards learnt something, of which he had been ignorant when consul, still we must pardon those men who had heard nothing since that time. But if the first accusation had weight, it ought not to have had more weight when it was old than when it was fresh. But if your parent, even when he was not without suspicion of danger to himself, was still induced by pity to do honour to the defence of a most worthless man by his curule chair, by his own private dignity, and by that of his office as consul, then what reason is there for reproaching the men of consular rank who gave Catiline the countenance of their presence? "But the same men did not countenance those who were tried for their accession to this conspiracy before Sylla." Certainly not; they resolved that no aid, no assistance, no support ought to be given by them to men implicated in such wickedness. And that I may speak for a moment of their constancy and attachment to the republic, whose silent virtue and loyalty bears witness in behalf of every one of them, and needs no ornaments of language from any one,—can any one say that any time there were men of consular rank more virtuous, more fearless, or more firm, than those who lived in these critical and perilous times, in which the republic was nearly overwhelmed? Who of them did not, with the greatest openness, and bravery, and earnestness, give his whole thoughts to the common safety? Nor need I confine what I say to the men of consular rank. For this credit is due to all those accomplished men who have been prætors, and indeed to the whole senate in common; so that it is plain that never, in the

memory of man, was there more virtue in that order, greater attachment to the republic, or more consummate wisdom. But because the men of consular rank were especially mentioned, I thought I ought to say thus much in their behalf; and that that would be enough, as the recollection of all men would join me in bearing witness, that there was not one man of that rank who did not labour with all his virtue, and energy, and influence, to preserve the republic.

XXX. But what comes next? Do I, who never praised Catiline, who never as consul countenanced Catiline when he was on his trial, who have given evidence respecting the conspiracy against others,—do I seem to you so far removed from sanity, so forgetful of my own consistency, so forgetful of all the exploits which I have performed, as, though as consul I waged war against the conspirators, now to wish to preserve their leader, and to bring my mind now to defend the cause and the life of that same man whose weapon I lately blunted, and whose flames I have but just extinguished? If, O judges, the republic itself, which has been preserved by my labours and dangers, did not by its dignity recal me to wisdom and consistency, still it is an instinct implanted by nature, to hate for ever the man whom you have once feared, with whom you have contended for life and fortune, and from whose plots you have escaped. But when my chief honours and the great glory of all my exploits are at stake; when, as often as any one is convicted of any participation in this wickedness, the recollection of the safety of the city having been secured by me is renewed, shall I be so mad as to allow those things which I did in behalf of the common safety to appear now to have been done by me more by chance and by good fortune than by virtue and wisdom? "What, then, do you mean? Do you," some one will say, perhaps, "claim that a man shall be judged innocent, just because you have defended him?" But I, O judges, not only claim nothing for myself to which any one can object, but I even give up and abandon pretensions which are granted and allowed me by every one. I am not living in such a republic,—I have not exposed my life to all sorts of dangers for the sake of my country at such a time,—they whom I have defeated are not so utterly extinct,—nor are those whom I have preserved so grateful, that I should think it safe to attempt to assume more than all my enemies and enviers may endure. It would

appear an offensive thing for him who investigated the conspiracy, who laid it open, who crushed it, whom the senate thanked in unprecedented language, to whom the senate decreed a supplication, which they had never decreed to any one before for civil services, to say in a court of justice, "I would not have defended him if he had been a conspirator." I do not say that, because it might be offensive; I say this, which in these trials relating to the conspiracy I may claim a right to say, speaking not with authority but with modesty, "I who investigated and chastised that conspiracy would certainly not defend Sylla, if I thought that he had been a conspirator." I, O judges, say this, which I said at the beginning, that when I was making a thorough inquiry into those great dangers which were threatening everybody, when I was hearing many things, not believing everything, but guarding against everything, not one word was said to me by any one who gave information, nor did any one hint any suspicion, nor was there the slightest mention in any one's letters, of Publius Sylla.

XXXI. Wherefore I call you, O gods of my country and of my household, to witness,—you who preside over this city and this empire,—you who have preserved this empire, and these our liberties, and the Roman people,—you who by your divine assistance protected these houses and temples when I was consul,—that I, with a free and honest heart, am defending the cause of Publius Sylla; that no crime has been concealed by me knowingly, that no wickedness undertaken against the general safety has been kept back or defended by me. I, when consul, found out nothing about this man, I suspected nothing, I heard of nothing. Therefore I, the same person who have seemed to be vehement against some men, inexorable towards the rest of the conspirators, (I paid my country what I owed her; what I am now doing is due to my own invariable habits and natural disposition,) am as merciful, O judges, as you yourselves. I am as gentle as the most soft-hearted among you. As far as I was vehement in union with you, I did nothing except what I was compelled to do: I came to the assistance of the republic when in great danger; I raised my sinking country; influenced by pity for the whole body of citizens, we were then as severe as was necessary. The safety of all men would have been lost for ever in one night, if that severity had not been exercised; but as I was led on to the

punishment of wicked men by my attachment to the republic, so now I am led to secure the safety of the innocent by my own inclination.

I see, O judges, that in this Publius Sylla there is nothing worthy of hatred, and many circumstances deserving our pity. For he does not now, O judges, flee to you as a suppliant for the sake of warding off calamity from himself, but to prevent his whole family and name from being branded with the stigma of nefarious baseness. For as for himself, even if he be acquitted by your decision, what honours has he, what comforts has he for the rest of his life, in which he can find delight or enjoyment? His house, I suppose, will be adorned; the images of his ancestors will be displayed; he himself will resume his ornaments and his usual dress. All these things, O judges, are lost to him; all the insignia and ornaments of his family, and his name, and his honour, were lost by the calamity of that one decision. But he is anxious not to be called the destroyer, the betrayer, the enemy of his country; he is fearful of leaving such disgrace to a family of such renown; he is anxious that this unhappy child may not be called the son of a conspirator, a criminal, and a traitor. He fears for this boy, who is much dearer to him than his own life, anxious, though he cannot leave him the undiminished inheritance of his honours, at all events not to leave him the undying recollection of his infamy. This little child entreats you, O judges, to allow him occasionally to congratulate his father, if not with his fortunes unimpaired, at least to congratulate him in his affliction. The roads to the courts of justice and to the forum are better known to that unhappy boy, than the roads to his playground or to his school. I am contending now, O judges, not for the life of Publius Sylla, but for his burial. His life was taken from him at the former trial; we are now striving to prevent his body from being cast out. For what has he left which need detain him in this life? or what is there to make any one think such an existence life at all?

XXXII. Lately, Publius Sylla was a man of such consideration in the state, that no one thought himself superior to him either in honour, or in influence, or in good fortune. Now, stripped of all his dignity, he does not seek to recover what has been taken away from him; but he does entreat you, O judges, not to take from him the little which fortune has left

him in his disasters,—namely, the permission to bewail his calamities in company with his parent, with his children, with his brother, and with his friends. It would be becoming for even you yourself, O Torquatus, to be by this time satisfied with the miseries of my client. Although you had taken nothing from Sylla except the consulship, yet you ought to be content with that. For it was a contest for honour, and not enmity, which originally induced you to take up this cause. But now that, together with his honour, everything else has been taken from him,—now that he is desolate, crushed by this miserable and grievous fortune, what is there which you can wish for more? Do you wish to deprive him of the enjoyment of the light of day, full as it is to him of tears and grief, in which he now lives amid the greatest grief and torment? He would gladly give it up, if you would release him from the foul imputation of this most odious crime. Do you seek to banish him as an enemy, when, if you were really hard-hearted, you would derive greater enjoyment from seeing his miseries than from hearing of them? Oh, wretched and unhappy was that day on which Publius Sylla was declared consul by all the centuries! O how false were the hopes! how fleeting the good fortune! how blind the desire! how unreasonable the congratulations! How soon was all that scene changed from joy and pleasure to mourning and tears, when he, who but a short time before had been consul elect, had on a sudden no trace left of his previous dignity. For what evil was there which seemed then to be wanting to him when he was thus stripped of honour, and fame, and fortune? or what room could there be left for any new calamity? The same fortune continues to pursue him which followed him from the first; she finds a new source of grief for him; she will not allow an unfortunate man to perish when he has been afflicted in only one way, and by only one disaster.

XXXIII. But now, O judges, I am hindered by my own grief of mind from saying any more about the misery of my client. That consideration belongs to you, O judges. I rest the whole cause on your mercy and your humanity. You, after a rejection of several judges, of which we had no suspicion, have sat as judges suddenly appointed to hear our cause, having been chosen by our accusers from their hopes of your severity, but having been also given to us by fortune as the protectors of our innocence. As I have been anxious as

to what the Roman people thought of me, because I had been severe towards wicked men, and so have undertaken the first defence of an innocent man that was offered to me, so do you also mitigate that severity of the courts of justice which has been exerted now for some months against the most audacious of men, by your lenity and mercy. The cause itself ought to obtain this from you; and besides, it is due to your virtue and courage to show that you are not the men to whom it is most advisable for an accuser to apply after having rejected other judges. And in leaving the matter to your decision, O judges, I exhort you, with all the earnestness that my affection for you warrants me in using, so to act that we, by our common zeal, (since we are united in the service of the republic,) and you, by your humanity and mercy, may repel from us both the false charge of cruelty.

THE SPEECH OF M. T. CICERO FOR AULUS LICINIUS ARCHIAS, THE POET.

THE ARGUMENT.

Archias was a Greek poet, a native of Antioch, who came to Rome in the train of Lucullus, when Cicero was a child. He assumed the names of Aulus and Licinius, the last out of compliment to the Luculli, and Cicero had been for some time a pupil of his, and had retained a great regard for him. A man of the name of Gracchus now prosecuted him as a false pretender to the rights of a Roman citizen, according to the provisions of the *lex Papiria*. But Cicero contends that he is justified by that very law, for Archias before coming to Rome had stayed at Heraclea, a confederate city, and had been enrolled as a Heraclean citizen; and in the *lex Papiria* it was expressly provided that those who were on the register of any confederate city as its citizens, if they were residing in Italy at the time the law was passed, and if they made a return of themselves to the prætor within sixty days, were to be exempt from its operation. However, the greatest part of this oration is occupied, not in legal arguments, but in a panegyric on Archias, who is believed to have died soon afterwards; and he must have been a very old man at the time that it was spoken, as it was nearly forty years previously that he had first come to Rome.

I. If there be any natural ability in me, O judges,—and I know how slight that is; or if I have any practice as a speaker,—and in that line I do not deny that I have some

experience; or if I have any method in my oratory, drawn from my study of the liberal sciences, and from that careful training to which I admit that at no part of my life have I ever been disinclined; certainly, of all those qualities, this Aulus Licinius is entitled to be among the first to claim the benefit from me as his peculiar right. For as far as ever my mind can look back upon the space of time that is past, and recal the memory of its earliest youth, tracing my life from that starting-point, I see that Archias was the principal cause of my undertaking, and the principal means of my mastering, those studies. And if this voice of mine, formed by his encouragement and his precepts, has at times been the instrument of safety to others, undoubtedly we ought, as far as lies in our power, to help and save the very man from whom we have received that gift which has enabled us to bring help to many and salvation to some. And lest any one should, perchance, marvel at this being said by me, as the chief of his ability consists in something else, and not in this system and practice of eloquence, he must be told that even we ourselves have never been wholly devoted to this study. In truth, all the arts which concern the civilising and humanising of men, have some link which binds them together, and are, as it were, connected by some relationship to one another.

II. And, that it may not appear marvellous to any one of you, that I, in a formal proceeding like this, and in a regular court of justice, when an action is being tried before a prætor of the Roman people, a most eminent man, and before most impartial judges, before such an assembly and multitude of people as I see around me, employ this style of speaking, which is at variance, not only with the ordinary usages of courts of justice, but with the general style of forensic pleading; I entreat you in this cause to grant me this indulgence, suitable to this defendant, and as I trust not disagreeable to you,—the indulgence, namely, of allowing me, when speaking in defence of a most sublime poet and most learned man, before this concourse of highly-educated citizens, before this most polite and accomplished assembly, and before such a prætor as him who is presiding at this trial, to enlarge with a little more freedom than usual on the study of polite literature and refined arts, and, speaking in the character of such a man as that, who, owing to the tranquillity of his

life and the studies to which he has devoted himself, has but little experience of the dangers of a court of justice, to employ a new and unusual style of oratory. And if I feel that that indulgence is given and allowed me by you, I will soon cause you to think that this Aulus Licinius is a man who not only, now that he is a citizen, does not deserve to be expunged from the list of citizens, but that he is worthy, even if he were not one, of being now made a citizen.

III. For when first Archias grew out of childhood, and out of the studies of those arts by which young boys are gradually trained and refined, he devoted himself to the study of writing. First of all at Antioch, (for he was born there, and was of high rank there,) formerly an illustrious and wealthy city, and the seat of learned men and of liberal sciences; and there it was his lot speedily to show himself superior to all in ability and credit. Afterwards, in the other parts of Asia, and over all Greece, his arrival was so talked of wherever he came, that the anxiety with which he was expected was even greater than the fame of his genius; but the admiration which he excited when he had arrived, exceeded even the anxiety with which he was expected. Italy was at that time full of Greek science and of Greek systems, and these studies were at that time cultivated in Latium with greater zeal than they now are in the same towns; and here too at Rome, on account of the tranquil state of the republic at that time, they were far from neglected. Therefore, the people of Tarentum, and Rhegium, and Neapolis, presented him with the freedom of the city and with other gifts; and all men who were capable of judging of genius thought him deserving of their acquaintance and hospitality. When, from this great celebrity of his, he had become known to us though absent, he came to Rome, in the consulship of Marius and Catulus. It was his lot to have those men as his first consuls, the one of whom could supply him with the most illustrious achievements to write about, the other could give him, not only exploits to celebrate, but his ears and judicious attention. Immediately the Luculli, though Archias was as yet but a youth,[1] received him in their house. But it was not

[1] The Latin is *prætextatus*. Before he had exchanged the *prætexta* for the *toga virilis*. It has generally been thought that the age at which this exchange was made was seventeen, but Professor Long, the highest possible authority on all subjects of Latin literature, and

only to his genius and his learning, but also to his natural disposition and virtue, that it must be attributed that the house which was the first to be opened to him in his youth, is also the one in which he lives most familiarly in his old age. He at that time gained the affection of Quintus Metellus, that great man who was the conqueror of Numidia, and his son Pius. He was eagerly listened to by Marcus Æmilius; he associated with Quintus Catulus,—both with the father and the sons. He was highly respected by Lucius Crassus; and as for the Luculli, and Drusus, and the Octavii, and Cato, and the whole family of the Hortensii, he was on terms of the greatest possible intimacy with all of them, and was held by them in the greatest honour. For, not only did every one cultivate his acquaintance who wished to learn or to hear anything, but even every one pretended to have such a desire.

IV. In the meantime, after a sufficiently long interval, having gone with Lucius Lucullus into Sicily, and having afterwards departed from that province in the company of the same Lucullus, he came to Heraclea. And as that city was one which enjoyed all the rights of a confederate city to their full extent, he became desirous of being enrolled as a citizen of it. And, being thought deserving of such a favour for his own sake, when aided by the influence and authority of Lucullus, he easily obtained it from the Heracleans. The freedom of the city was given him in accordance with the provisions of the law of Silvanus and Carbo: "If any men had been enrolled as citizens of the confederate cities, and if, at the time that the law was passed, they had a residence in Italy, and if within sixty days they had made a return of themselves to the prætor." As he had now had a residence at Rome for many years, he returned himself as a citizen to the prætor, Quintus Metellus, his most intimate friend. If

especially on Roman law, says, (Smith, Dict. Ant. v. *Impubes*,) "The *toga virilis* was assumed at the Liberalia in the month of March; and though no age appears to have been positively fixed for the ceremony, it probably took place, as a general rule, on the feast which next followed the completion of the fourteenth year, though it is certain that the completion of the fourteenth year was not always the time observed." Even supposing Archias to have been seventeen, it appears rather an early age for him to have established such a reputation as Cicero speaks of, and perhaps, as not being at that time a Roman citizen, he probably did not wear the *prætexta* at all; the expression is not to be taken literally, but we are merely to understand generally that he was quite a young man.

we have nothing else to speak about except the rights of citizenship and the law, I need say no more. The cause is over. For which of all these statements, O Gratius, can be invalidated? Will you deny that he was enrolled, at the time I speak of, as a citizen of Heraclea? There is a man present of the very highest authority, a most scrupulous and truthful man, Lucius Lucullus, who will tell you not that he thinks it, but that he knows it; not that he has heard of it, but that he saw it; not even that he was present when it was done, but that he actually did it himself. Deputies from Heraclea are present, men of the highest rank; they have come expressly on account of this trial, with a commission from their city, and to give evidence on the part of their city; and they say that he was enrolled as a Heraclean. On this you ask for the public registers of the Heracleans, which we all know were destroyed in the Italian war, when the register office was burnt. It is ridiculous to say nothing to the proofs which we have, but to ask for proofs which it is impossible for us to have; to disregard the recollection of men, and to appeal to the memory of documents; and when you have the conscientious evidence of a most honourable man, the oath and good faith of a most respectable municipality, to reject those things which cannot by any possibility be tampered with, and to demand documentary evidence, though you say at the same moment that that is constantly played tricks with. "But he had no residence at Rome." What, not he who for so many years before the freedom of the city was given to him, had established the abode of all his property and fortunes at Rome? "But he did not return himself." Indeed he did, and in that return which alone obtains with the college of prætors the authority of a public document.

V. For as the returns of Appius were said to have been kept carelessly, and as the trifling conduct of Gabinius, before he was convicted, and his misfortune after his condemnation, had taken away all credit from the public registers, Metellus, the most scrupulous and moderate of all men, was so careful, that he came to Lucius Lentulus, the prætor, and to the judges, and said that he was greatly vexed at an erasure which appeared in one name. In these documents, therefore, you will see no erasure affecting the name of Aulus Licinius. And as this is the case, what reason have you for doubting about his citizenship, especially as he was enrolled as a citizen of

other cities also? In truth, as men in Greece were in the habit of giving rights of citizenship to many men of very ordinary qualifications, and endowed with no talents at all, or with very moderate ones, without any payment, it is likely, I suppose, that the Rhegians, and Locrians, and Neapolitans, and Tarentines should have been unwilling to give to this man, enjoying the highest possible reputation for genius, what they were in the habit of giving even to theatrical artists. What, when other men, who not only after the freedom of the city had been given, but even after the passing of the Papian law, crept somehow or other into the registers of those municipalities, shall he be rejected who does not avail himself of those other lists in which he is enrolled, because he always wished to be considered a Heraclean? You demand to see our own censor's returns. I suppose no one knows that at the time of the last census he was with that most illustrious general, Lucius Lucullus, with the army; that at the time of the preceding one he was with the same man when he was in Asia as quæstor; and that in the census before that, when Julius and Crassus were censors, no regular account of the people was taken. But, since the census does not confirm the right of citizenship, but only indicates that he, who is returned in the census, did at that time claim to be considered as a citizen, I say that, at that time, when you say, in your speech for the prosecution, that he did not even himself consider that he had any claim to the privileges of a Roman citizen, he more than once made a will according to our laws, and he entered upon inheritances left him by Roman citizens; and he was made honourable mention of by Lucius Lucullus, both as prætor and as consul, in the archives kept in the treasury.

VI. You must rely wholly on what arguments you can find. For he will never be convicted either by his own opinion of his case, or by that which is formed of it by his friends.

You ask us, O Gratius, why we are so exceedingly attached to this man. Because he supplies us with food whereby our mind is refreshed after this noise in the forum, and with rest for our ears after they have been wearied with bad language. Do you think it possible that we could find a supply for our daily speeches, when discussing such a variety of matters unless we were to cultivate our minds by the study of literature; or that our minds could bear being kept so constantly

on the stretch if we did not relax them by that same study? But I confess that I am devoted to those studies; let others be ashamed of them if they have buried themselves in books without being able to produce anything out of them for the common advantage, or anything which may bear the eyes of men and the light. But why need I be ashamed, who for many years have lived in such a manner as never to allow my own love of tranquillity to deny me to the necessity or advantage of another, or my fondness for pleasure to distract, or even sleep to delay my attention to such claims? Who then can reproach me, or who has any right to be angry with me, if I allow myself as much time for the cultivation of these studies as some take for the performance of their own business, or for celebrating days of festival and games, or for other pleasures, or even for the rest and refreshment of mind and body, or as others devote to early banquets, to playing at dice, or at ball? And this ought to be permitted to me, because by these studies my power of speaking and those faculties are improved, which, as far as they do exist in me, have never been denied to my friends when they have been in peril. And if that ability appears to any one to be but moderate, at all events I know whence I derive those principles which are of the greatest value. For if I had not persuaded myself from my youth upwards, both by the precepts of many masters and by much reading, that there is nothing in life greatly to be desired, except praise and honour, and that while pursuing those things all tortures of the body, all dangers of death and banishment are to be considered but of small importance, I should never have exposed myself, in defence of your safety, to such numerous and arduous contests, and to these daily attacks of profligate men. But all books are full of such precepts, and all the sayings of philosophers, and all antiquity is full of precedents teaching the same lesson; but all these things would lie buried in darkness, if the light of literature and learning were not applied to them. How many images of the bravest men, carefully elaborated, have both the Greek and Latin writers bequeathed to us, not merely for us to look at and gaze upon, but also for our imitation! And I, always keeping them before my eyes as examples for my own public conduct, have endeavoured to model my mind and views by continually thinking of those excellent men.

VII. Some one will ask, "What? were those identical

great men, whose virtues have been recorded in books, accomplished in all that learning which you are extolling so highly?" It is difficult to assert this of all of them; but still I know what answer I can make to that question: I admit that many men have existed of admirable disposition and virtue, who, without learning, by the almost divine instinct of their own mere nature, have been, of their own accord, as it were, moderate and wise men. I even add this, that very often nature without learning has had more to do with leading men to credit and to virtue, than learning when not assisted by a good natural disposition. And I also contend, that when to an excellent and admirable natural disposition there is added a certain system and training of education, then from that combination arises an extraordinary perfection of character; such as is seen in that god-like man, whom our fathers saw in their time, Africanus; and in Caius Lælius and Lucius Furius, most virtuous and moderate men; and in that most excellent man, the most learned man of his time, Marcus Cato the elder; and all these men, if they had been to derive no assistance from literature in the cultivation and practice of virtue, would never have applied themselves to the study of it. Though, even if there were no such great advantage to be reaped from it, and if it were only pleasure that is sought from these studies, still I imagine you would consider it a most reasonable and liberal employment of the mind: for other occupations are not suited to every time, nor to every age or place; but these studies are the food of youth, the delight of old age; the ornament of prosperity, the refuge and comfort of adversity; a delight at home, and no hindrance abroad; they are companions by night, and in travel, and in the country.

VIII. And if we ourselves were not able to arrive at these advantages, nor even taste them with our senses, still we ought to admire them, even when we saw them in others. Who of us was of so ignorant and brutal a disposition as not tely to be grieved at the death of Roscius? who, though he was an old man when he died, yet, on account of the excellence and beauty of his art, appeared to be one who on every account ought not to have died. Therefore, had he by the gestures of his body gained so much of our affections, and shall we disregard the incredible movements of the mind, and the rapid operations of genius? How often have I seen this

man Archias, O judges,—(for I will take advantage of your kindness, since you listen to me so attentively while speaking in this unusual manner,)—how often have I seen him, when he had not written a single word, repeat extempore a great number of admirable verses on the very events which were passing at the moment! How often have I seen him go back, and describe the same thing over again with an entire change of language and ideas! And what he wrote with care and with much thought, that I have seen admired to such a degree, as to equal the credit of even the writings of the ancients. Should not I, then, love this man? should I not admire him? should not I think it my duty to defend him in every possible way? And, indeed, we have constantly heard from men of the greatest eminence and learning, that the study of other sciences was made up of learning, and rules, and regular method; but that a poet was such by the unassisted work of nature, and was moved by the vigour of his own mind, and was inspired, as it were, by some divine wrath. Wherefore rightly does our own great Ennius call poets holy; because they seem to be recommended to us by some especial gift, as it were, and liberality of the gods. Let then, judges, this name of poet, this name which no barbarians even have ever disregarded, be holy in your eyes, men of cultivated minds as you all are. Rocks and deserts reply to the poet's voice; savage beasts are often moved and arrested by song; and shall we, who have been trained in the pursuit of the most virtuous acts, refuse to be swayed by the voice of poets? The Colophonians say that Homer was their citizen; the Chians claim him as theirs; the Salaminians assert their right to him; but the men of Smyrna loudly assert him to be a citizen of Smyrna, and they have even raised a temple to him in their city. Many other places also fight with one another for the honour of being his birth-place.

IX. They, then, claim a stranger, even after his death, because he was a poet; shall we reject this man while he is alive, a man who by his own inclination and by our laws does actually belong to us? especially when Archias has employed all his genius with the utmost zeal in celebrating the glory and renown of the Roman people? For when a young man, he touched on our wars against the Cimbri, and gained the favour even of Caius Marius himself, a man who was tolerably proof against this sort of study. For there was no one so

disinclined to the Muses as not willingly to endure that the praise of his labours should be made immortal by means of verse. They say that the great Themistocles, the greatest man that Athens produced, said, when some one asked him what sound or whose voice he took the greatest delight in hearing, "The voice of that by whom his own exploits were best celebrated." Therefore, the great Marius was also exceedingly attached to Lucius Plotius, because he thought that the achievement which he had performed could be celebrated by his genius. And the whole Mithridatic war, great and difficult as it was, and carried on with so much diversity of fortune by land and sea, has been related at length by him; and the books in which that is sung of, not only make illustrious Lucius Lucullus, that most gallant and celebrated man, but they do honour also to the Roman people. For, while Lucullus was general, the Roman people opened Pontus, though it was defended both by the resources of the king and by the character of the country itself. Under the same general the army of the Roman people, with no very great numbers, routed the countless hosts of the Armenians. It is the glory of the Roman people that, by the wisdom of that same general, the city of the Cyzicenes, most friendly to us, was delivered and preserved from all the attacks of the kind, and from the very jaws as it were of the whole war. Ours is the glory which will be for ever celebrated, which is derived from the fleet of the enemy which was sunk after its admirals had been slain, and from the marvellous naval battle off Tenedos: those trophies belong to us, those monuments are ours, those triumphs are ours. Therefore, I say that the men by whose genius these exploits are celebrated, make illustrious at the same time the glory of the Roman people. Our countryman, Ennius, was dear to the elder Africanus; and even on the tomb of the Scipios his effigy is believed to be visible, carved in the marble. But undoubtedly it is not only the men who are themselves praised who are done honour to by those praises, but the name of the Roman people also is adorned by them. Cato, the ancestor of this Cato, is extolled to the skies. Great honour is paid to the exploits of the Roman people. Lastly, all those great men, the Maximi, the Marcelli, and the Fulvii, are done honour to, not without all of us having also a share in the panegyric.

§ X. Therefore our ancestors received the man who was the cause of all this, a man of Rudiæ, into their city as a citizen; and shall we reject from our city a man of Heraclea, a man sought by many cities, and made a citizen of ours by these very laws?

For if any one thinks that there is a smaller gain of glory erived from Greek verses than from Latin ones, he is greatly mistaken, because Greek poetry is read among all nations, Latin is confined to its own natural limits, which are narrow enough. Wherefore, if those achievements which we have performed are limited only by the bounds of the whole world, we ought to desire that, wherever our vigour and our arms have penetrated, our glory and our fame should likewise extend. Because, as this is always an ample reward for those people whose achievements are the subject of writings, sc especially is it the greatest inducement to encounter labours and dangers to all men who fight for themselves for the sake of glory. How many historians of his exploits is Alexander the Great said to have had with him; and he, when standing on Cape Sigeum at the grave of Achilles, said,—"O happy youth, to find Homer as the panegyrist of your glory!" And he said the truth; for, if the Iliad had not existed, the same tomb which covered his body would have also buried his renown. What, did not our own Magnus, whose valour has been equal to his fortune, present Theophanes the Mitylenæan, a relater of his actions, with the freedom of the city in an assembly of the soldiers? And those brave men, our countrymen, soldiers and country-bred men as they were, still being moved by the sweetness of glory, as if they were to some extent partakers of the same renown, showed their approbation of that action with a great shout. Therefore, I suppose, if Archias were not a Roman citizen according to the laws, he could not have contrived to get presented with the freedom of the city by some general! Sylla, when he was giving it to the Spaniards and Gauls, would, I suppose, have refused him if he had asked for it! a man whom we ourselves saw in the public assembly, when a bad poet of the common people had put a book in his hand, because he had made an epigram on him with every other verse too long, immediately ordered some of the things which he was selling at the moment to be given him as a reward, on condition of not writing anything more about him for the future. Would not he who

thought the industry of a bad poet still worthy of some reward, have sought out the genius, and excellence, and copiousness in writing of this man? What more need I say? Could he not have obtained the freedom of the city from Quintus Metellus Pius, his own most intimate friend, who gave it to many men, either by his own request, or by the intervention of the Luculli? especially when Metellus was so anxious to have his own deeds celebrated in writing, that he gave his attention willingly to poets born even at Cordova, whose poetry had a very heavy and foreign flavour.

XI. For this should not be concealed, which cannot possibly be kept in the dark, but it might be avowed openly: we are all influenced by a desire of praise, and the best men are the most especially attracted by glory. Those very philosophers even in the books which they write about despising glory, put their own names on the title-page. In the very act of recording their contempt for renown and notoriety, they desire to have their own names known and talked of. Decimus Brutus, that most excellent citizen and consummate general, adorned the approaches to his temples and monuments with the verses of Attius. And lately that great man Fulvius, who fought with the Ætolians, having Ennius for his companion, did not hesitate to devote the spoils of Mars to the Muses. Wherefore, in a city in which generals, almost in arms, have paid respect to the name of poets and to the temples of the Muses, these judges in the garb of peace ought not to act in a manner inconsistent with the honour of the Muses and the safety of poets.

And that you may do that the more willingly, I will now reveal my own feelings to you, O judges, and I will make a confession to you of my own love of glory,—too eager perhaps, but still honourable. For this man has in his verses touched upon and begun the celebration of the deeds which we in our consulship did in union with you, for the safety of this city and empire, and in defence of the life of the citizens and of the whole republic. And when I had heard his commencement, because it appeared to me to be a great subject and at the same time an agreeable one, I encouraged him to complete his work. For virtue seeks no other reward for its labours and its dangers beyond that of praise and renown; and if that be denied to it, what reason is there, O judges, why in so small and brief a course of life as is allotted to us, we should

impose such labours on ourselves? Certainly, if the mind had no anticipations of posterity, and if it were to confine all its thoughts within the same limits as those by which the space of our lives is bounded, it would neither break itself with such severe labours, nor would it be tormented with such cares and sleepless anxiety, nor would it so often have to fight for its very life. At present there is a certain virtue in every good man, which night and day stirs up the mind with the stimulus of glory, and reminds it that all mention of our name will not cease at the same time with our lives, but that our fame will endure to all posterity.

XII. Do we all who are occupied in the affairs of the state, and who are surrounded by such perils and dangers in life, appear to be so narrow-minded, as, though to the last moment of our lives we have never passed one tranquil or easy moment, to think that everything will perish at the same time as ourselves? Ought we not, when many most illustrious men have with great care collected and left behind them statues and images, representations not of their minds but of their bodies, much more to desire to leave behind us a copy of our counsels and of our virtues, wrought and elaborated by the greatest genius? I thought, at the very moment of performing them, that I was scattering and disseminating all the deeds which I was performing, all over the world for the eternal recollection of nations. And whether that delight is to be denied to my soul after death, or whether, as the wisest men have thought, it will affect some portion of my spirit, at all events, I am at present delighted with some such idea and hope.

Preserve then, O judges, a man of such virtue as that of Archias, which you see testified to you not only by the worth of his friends, but by the length of time during which they have been such to him; and of such genius as you ought to think is his, when you see that it has been sought by most illustrious men. And his cause is one which is approved of by the benevolence of the law, by the authority of his municipality, by the testimony of Lucullus, and by the documentary evidence of Metellus. And as this is the case, we do entreat you, O judges, if there may be any weight attached, I will not say to human, but even to divine recommendation in such important matters, to receive under your protection that man who has at all times done honour to your generals and to the exploits of the Roman people,—who even in these recent

perils of our own, and in your domestic dangers, promises to give an eternal testimony of praise in our favour, and who forms one of that band of poets who have at all times and in all nations been considered and called holy, so that he may seem relieved by your humanity, rather than overwhelmed by your severity.

The things which, according to my custom, I have said briefly and simply, O judges, I trust have been approved by all of you. Those things which I have spoken, without regarding the habits of the forum or judicial usage, both concerning the genius of the man and my own zeal in his behalf, I trust have been received by you in good part. That they have been so by him who presides at this trial, I am quite certain.

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